



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

LEROY TAYLOR, et al.,

Plaintiffs,

vs.

Civil Action Number: CV-2017-900075.00

ADVANCED DISPOSAL SERVICES
SOUTH, LLC, ADVANCED DISPOSAL
SERVICES ALABAMA HOLDINGS,
LLC, STONE'S THROW LANDFILL,
LLC, TALLASSEE WASTE DISPOSAL
CENTER, INC., ADVANCED
DISPOSAL SERVICES, INC.,
UTILITIES BOARD OF THE CITY OF
TUSKEGEE, and MACON COUNTY
WATER AUTHORITY, FICTITIOUS
PARTIES A, B, C, D . . . Z.

Defendants.

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS,
ETC., UNDER RULE 45

TO: United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303

You are hereby commanded to do each of the following acts at the instance of the plaintiff within fifteen (15) days after service of this subpoena:

That you produce and permit plaintiff to inspect and copy each of the following class of documents:

Any and all communications, electronic or otherwise, with the Advanced Disposal defendants in connection with the Stone's Throw Landfill located at 1303 Washington Boulevard located in Tallassee, Alabama. Any and all documents indicating noncompliance with ADEM issued permits, any and all complaints to ADEM from consumers of water purchased from the Utilities Board of Tuskegee or the Macon County Water Authority and any communications between

ADEM, the Utilities Board of Tuskegee, and the Macon County Water Authority regarding water quality, Safe Drinking Water Act violations, or any other violations of a ADEM issued permit for that matter.

*** PLEASE CERTIFY ALL RECORDS**

****IF FEE EXCEEDS \$250.00, PLEASE NOTIFY BEFORE PROCESSING****

Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you.

You are further advised that other parties to this action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You may mail legible copies of documents or things to **Tammy Wortham c/o Jay Friedman, FRIEDMAN, DAZZIO, ZULANAS & BOWLING, P.C., 3800 Corporate Woods Drive, Birmingham, Alabama 35242**, but you may condition such activity on your part upon the payment in advance of the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. **PLEASE ATTACH A COPY OF THIS SUBPOENA TO YOUR RECORDS.**

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item or category to which objection is made, your reasons for such objection.

Rule 45 of the Alabama Rules of Civil Procedure provides, in part, as follows:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person which is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

3(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



AlaFile E-Notice

46-CV-2017-900075.00

To: US ENVIRONMENTAL PROTECTION AGENCY REGION 4
SAM NUNN ATLANTA FEDERAL
61 FORSYTH STREET SW
ATLANTA, GA, 30303

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

LEROY TAYLOR V. ADVANCED DISPOSAL SERVICES SOUTH, LLC ET AL
46-CV-2017-900075.00

The following subpoena was FILED on 6/14/2017 8:09:37 AM

Notice Date: 6/14/2017 8:09:37 AM

DAVID LOVE, JR.
CIRCUIT COURT CLERK
MACON COUNTY, ALABAMA
101 EAST NORTHSIDE STREET
TUSKEGEE, AL, 36083

334-724-2614
david.love@alacourt.gov

ORDER TO APPEAR
(SUBPOENA)

Case
CV-



ELECTRONICALLY FILED
6/14/2017 8:09 AM
46-CV-2017-900075.00
CIRCUIT COURT OF
MACON COUNTY, ALABAMA
DAVID LOVE, JR., CLERK

IN THE CIRCUIT COURT OF MACON, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

- ☐ State of Alabama
☐ Municipality of _____

☒ LEROI TAYLOR V. ADVANCED DISPOSAL SERVICES SOUTH, LLC ET AL

(For Juvenile cases only):

☐ In the Matter of _____, a child

US ENVIRONMENTAL PROTECTION AGENCY REGION 4

SAM NUNN ATLANTA FEDERAL
61 FORSYTH STREET SW
ATLANTA, GA 30303

A. Issued at the request of:

1. ☒ Plaintiff/State
2. ☐ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to:

1. ☐ Appear at trial/hearing
2. ☒ Produce records or documents see attached schedule(s)
3. ☐ Appear at deposition
4. ☐ Other _____

You may contact: JEFFREY EDWIN FRIEDMAN JR. 3800 CORPORATE WOODS DR. BIRMINGHAM, AL 35242 (205) 278-7000

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 06/30/2017 12:00 AM

ROOM _____

ADDRESS FRIEDMAN DAZZIO ZULANAS & BOWLING PC

3800 Corporate Woods Drive

BIRMINGHAM, AL 35242

DATE ISSUED 6/14/2017

/s/ DAVID LOVE, JR.

Signature of Court Clerk

KB
Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

PRODUCE RECORDS ONLY

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

____ on _____

(For Criminal cases only)

☐ Served By Mail

Date Mailed _____

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production of documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

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(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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